APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,071	12/29/2003	Paul A. Barsanti	PP019814.0004	8570

27476   7590   08/11/2008
NOVARTIS VACCINES AND DIAGNOSTICS INC.
INTELLECTUAL PROPERTY R338
P.O. BOX 8097
Emeryville, CA 94662-8097

EXAMINER
SNYDER, STUART

ART UNIT	PAPER NUMBER
1648	

MAIL DATE	DELIVERY MODE
08/11/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10748071	12/29/2003	BARSANTI ET AL.	PP019814.0004

NOVARTIS VACCINES AND DIAGNOSTICS INC.
INTELLECTUAL PROPERTY R338
P.O. BOX 8097
Emeryville, CA 94662-8097

EXAMINER
STUART W. SNYDER

ART UNIT	PAPER
1648	20080805

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

In a telephonic interview with Mr. Michael Smith (Reg. No. 44,422), he suggested that the finality of rejection of the Application (see Office Action mailed 2/8/2008) was improper because rejection of claims 2-3 and 75-112 under 35 USC 112, scope of Enablement not necessitated by amendment to the claims. Mr. Smith pointed out that the limitations introduced into amended claim 2 were previously presented as limitations of the now cancelled claim 1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

/Mary E Mosher, Ph.D./
Primary Examiner, Art Unit 1648

PTO-90C (Rev.04-03)